REMARKS

The Applicant appreciates the courteous interview extended to him and his representatives on February 27, 2006. This Amendment accompanies an RCE. Claims 1, 17, 20, and 31 have been amended. In addition, Claims 16 and 29-30 have been canceled and Claims 35-42 have been added. No new matter has been added.

Claim Objections

The spelling of the term "twenty" has been corrected in Claims 1 and 20 so as to obviate the claim objections set forth in the final Office Action.

Written Description

The Examiner rejected Claims 16-17 and 30-31 based on an allegation that the specification did not support the ranges previously set forth in those claims. Claims 16 and 30 have been canceled, and Claims 17 and 31 now recite a range of about ¼ to about ½ second. The top end of the range of about ½ second was set forth in the claims as originally filed. Support for the bottom end of the range of about ¼ second can be found in paragraph [0035] of the specification as filed. That paragraph explains that "a delay of about 250 msec. between each signal" to ensure that the IR receiver does not get confused. This disclosure clearly implies that longer delays will also function to prevent confusion by the IR receiver. In combination with the disclosure of the original claims that there is no more than about ½ second between signals, it is clear that the specification as originally filed provides a written description for the presently recited range of from about ¼ to about ½ second.

Rejections over the Prior Art

The Examiner rejected all of the claims as obvious over the combination of Enomoto, Fridley and Emmons, either by themselves or in combination with other references. The claims have been amended to emphasize that the "twenty different devices" require a different signal to effect the function controlled. Claim 35 has been added to claim a preferred embodiment of the invention relating to "minimizing disturbance from a remotely controlled television in a public place." In addition, Claim 36 has been added to claim an alternative embodiment of the invention in which the function effected is closed caption.

As described at the interview, the claimed universal remote control device and method requires that a sufficient number of devices be controlled in order to carry out the purpose of being able to control a sufficient number of devices in an environment where the code of the

device to be controlled cannot be known in advance. As explained in Paragraph [0002] of the specification as filed, a "particularly annoying problem occurs while trying to have a conversation in a location where a TV is powered on." Of course, the TV's and other devices one encounters are manufactured by a great number of different companies who use a similar number of different power codes. The premise of this embodiment of the invention, as set forth in paragraph [0024] is that "it would be great to have a device that turns off any distracting TV that one comes across." Thus, the invention provides a universal remote control device that can control "at least twenty different devices" and sequentially emit the signals for the devices. The inventor has discovered that if the signals for at least twenty different televisions are included, that a majority of television receiving devices can indeed be controlled. While the specification does not state that the precise number twenty devices is a critical parameter, the specification does disclose in Paragraph [0025] that the number of devices to be controlled is maximized and original Claim 6 discloses that at least twenty different devices are controlled. Thus, one of ordinary skill in the art would recognize that being able to control at least twenty different devices having different signals would be a critical feature of Applicant's invention that supports the patentability of the claims. A device lacking this critical limitation would be unable to turn off a sufficient number of devices to allow the user to overcome the "annoying problem" referred to above in a sufficient number of locations.

All of the claims now recite that at least twenty devices requiring different signals are affected and are patentable over the cited prior art for that reason. However, many of the claims also recite distinctions that are patentable over the cited prior art. For example, Claims 17 and 31 recite that the length of time between encoded signals is between about ¼ second and about ½ second. This range is also an important feature of certain embodiments of the invention in which the length of time between signals must be neither too short nor too long. If the time between signals is too short, the problem of confusion between signals that is described in Paragraph [0035] of the specification arises. On the other hand, if the timing between signals is too long, the user of the device will experience excessive delays in achieving the desired result. Thus, the limitation relating to the range of timing between encoded signals provides further basis for patentability.

Additionally, Claims 18 and 32-33 limit the number of functions to either one or two. The Examiner cited the Redford reference as a device employing a toggle switch for simplified

operation for use by a child. However, there would be no motivation to combine the Redford reference with the other references to create the claimed invention. The Enomoto, Fridley and Emmons references are directed to television remote control devices used under ordinary circumstances where many different features are desired to be controlled. Nothing in these references would suggest that limiting the number of functions to be controlled would be desirable. To the contrary, under these normal circumstances, the number of functions to be controlled would be maximized to provide the greatest level of control to the user. Thus, one of skill in the art would not be motivated to combine the teachings of the Redford reference with the teachings of the other three references.

Finally, as discussed at the interview, the nonobviousness of the present invention is further evidenced by the secondary considerations of patentability that are present in this case. Attached is a Declaration of Applicant in which the tremendous commercial success of the invention is described. The nexus between this commercial success and the patentable features of the invention is also clear because the Applicant has conducted virtually no marketing. Rather, as discussed at the interview, the invention has been a success for the reasons described in the many positive portrayals of the features of the invention in the media. As just three of the many examples, see, e.g.:

http://tech2.nytimes.com/mem/technology/techreview.html?_r=1&res=990DEED7163CF937A35752C1A9629C8B63&oref=slogin;

http://www.parade.com/articles/editions/2004/edition_12-26-2004/featured_0; and

http://www.npr.org/templates/story/story.php?storyId=4117219.

The device that was sold and became a commercial success has all of the features referred to above, i.e. it affects at least twenty different devices (117 or 109), it has a timing of no more than about ½ second between signals (205 msec), and it effects only the single function of television power. The evidence of commercial success of the device provides still more evidence of the patentability of the invention, which must be considered in evaluating the nonobviousness of the claims.

In view of the foregoing, withdrawal of all of the rejections under 35 U.S.C. § 103 is respectfully requested.

Conclusion

The present application is now believed to be fully in condition for allowance, and such action is earnestly solicited. However, should any impediments to allowance be identified, the Examiner is respectfully invited to contact the undersigned attorney at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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